

Wong Ho Wing v. Peru

ABSTRACT¹

This case is about a Chinese businessperson in Peru who was wanted in China for crimes that, purportedly, could be punished by death penalty. Before being extradited, he was detained for eight years pending consideration by Peru's courts of the extradition request. The Court found that the excessively long judicial proceedings were a violation of the victim's rights, while it ruled in favor of the State on other grounds.

I. FACTS

A. Chronology of Events

August 1996–1998: Mr. Wong Ho Wing, a Chinese national, allegedly engages in criminal activity in China, including money laundering, bribery, and customs tax evasion amounting to the crime of merchandise smuggling.² Pursuant to Article 151 of the Chinese Criminal Code, smuggling is punishable by death.³

2001: Chinese authorities are unable to capture Mr. Wing, and he is declared “an international fugitive” by the International Criminal Police Organization (“INTERPOL”).⁴

1. Claudia Garcia-Salas, Author; Emily Williams, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 297, ¶¶ 60-63 (June 30, 2015). Mr. Wing's name as it appears herein is the English translation for his name in Chinese Mandarin, Huang Haiyong. Wong Ho Wing v. Peru, Admissibility Report, Report No. 151/10, Inter-Am. Comm'n H.R., Case No. 12.794, n.1 (Nov. 1, 2010).

3. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶¶ 62-63. Mr. Wing imported soybean oil to China but evaded paying the customs tax. In China, tax evasion exceeding 500,000 yuan (US \$75,000) elevates the crime to aggravated merchandise smuggling, which is punishable by death. Mr. Wing evaded taxes in excess of 717 million yuan (US \$107,000,000). *Id.* n.55. Yuan to Dollar Conversion, GOOGLE, <https://www.google.com/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=yuan%20to%20dollar> (last visited Oct. 3, 2016).

4. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 60.

April 5, 2003: An extradition treaty between Peru (“State”) and China becomes effective.⁵ The treaty declares that a person within the State who is facing criminal proceedings in China must be extradited upon request.⁶ It also establishes that the State may deny extradition if compliance would violate its own domestic laws.⁷ The treaty does not include an express provision relating to extradition in cases where the death penalty may be imposed.⁸ However, the State legislature sets forth that extradition may be denied if: 1) an offense for which extradition is sought is punishable by death, and 2) the State fails to receive adequate assurances that such sentence will not be imposed.⁹

October 27–28, 2008: Mr. Wing is arrested as he enters the State, where he owns and operates a hotel.¹⁰ He asks the State Criminal Court to deny extradition and allow him to face trial in the State.¹¹ He informs the court that his extradition could subject him to capital punishment.¹²

November 14, 2008: China asks the State to promptly extradite Mr. Wing.¹³ The request includes an arrest warrant, a list of offenses with their respective Chinese Criminal Codes, and the applicable punishments for each crime.¹⁴ The attachment does not mention Article 151 of the Chinese Criminal Code, which states that smuggling may be punishable by death.¹⁵

December 10, 2008: In a public hearing before the State Criminal Court, Mr. Wing again declares that he will face the death penalty, as outlined in Article 151 of the Chinese Criminal Code, if he is extradited.¹⁶

January 19–20, 2009: The State Supreme Court rules that the extradition request for the offenses of bribery and tax evasion is applicable under the extradition treaty with China.¹⁷

5. *Id.* ¶ 56.

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.* ¶ 58.

10. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶¶ 60, 98.

11. *Id.* ¶ 61.

12. *Id.*

13. *Id.* ¶ 62.

14. *Id.*

15. *Id.*

16. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 63.

17. *Id.* ¶ 64.

January 26, 2009: Mr. Wing's brother files a habeas corpus petition against the State judges for Mr. Wing's release based on the "imminent threat of violation of the rights to life and personal integrity."¹⁸ The petition alleges that China deliberately and in bad faith omitted a proper translation of Article 151 of the Chinese Criminal Code in its extradition request, which would have supported Mr. Wing's assertion that smuggling is punishable by death.¹⁹

February 2, 2009: China informs the State Ministry of Justice that there is no possibility of imposing the death penalty and assures that it will not subject Mr. Wing to torture or inhumane treatment.²⁰ Nonetheless, on February 10 the State asks China to submit a proper translation of Article 151 of the Chinese Criminal Code, which it subsequently receives.²¹

March 27, 2009: The Inter-American Commission on Human Rights ("Commission") receives a petition filed on Mr. Wing's behalf.²²

April 24, 2009: The State Criminal Court finds some merit in Mr. Wing's habeas corpus petition, reasoning that its prior decision did not clearly announce that the State would not extradite an accused if the charged offense warrants capital punishment.²³ However, it declines to release Mr. Wing from custody.²⁴ This decision is affirmed following appeal on June 15, 2009.²⁵

August 25, 2009: China provides the State with relevant Chinese case law in which imprisonment sentences of fifteen years have been imposed in factually similar cases and insists that Mr. Wing will not receive a death sentence.²⁶

October 12, 2009: A second habeas corpus petition is filed.²⁷ The State Supreme Court finds the petition inadmissible on January 5, 2010 because it is guised as a claim against constitutional violations when, in fact,

18. *Id.* ¶ 65.

19. *Id.*

20. *Id.* ¶¶ 66, 93(h)(1).

21. *Id.* ¶ 67.

22. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 2(a).

23. *Id.* ¶ 70.

24. *Id.*

25. *Id.*

26. *Id.* ¶ 71.

27. *Id.* ¶ 74.

the petition sought to establish the inadmissibility of extradition.²⁸ This decision is affirmed on June 30, 2010 following appeal.²⁹

December 11, 2009: The State's Chinese embassy explains that China has decided not to impose the death penalty on Mr. Wing.³⁰

January 27, 2010: The Criminal Court grants the extradition request.³¹ It finds that China has offered sufficient assurances that it will not impose the death penalty if Mr. Wing is extradited.³² The court conditions Mr. Wing's extradition on China keeping the State apprised of the sentence that is ultimately imposed.³³

February 9, 2010: A third petition for habeas corpus is filed against the State President, the Ministry of Justice, and the Ministry of Foreign Affairs.³⁴ This petition is found inadmissible on April 14, 2010 because the named entities did not carry out constitutional violations and did not issue the decision to extradite.³⁵ Mr. Wing appeals.³⁶

May 28, 2010: The Commission requests provisional measures to prevent the State from extraditing Mr. Wing.³⁷ These measures are extended four times until October 2011.³⁸

November 1, 2010: The Commission adopts Admissibility Report No. 151/10.³⁹

May 1, 2011: China amends its Criminal Code and repeals the death penalty for the crime of smuggling.⁴⁰ It later advises the State that, pursuant to the recent amendment, it will not seek the death penalty against Mr.

28. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 74.

29. *Id.*

30. *Id.* ¶ 75.

31. *Id.* ¶ 78.

32. *Id.*

33. *Id.*

34. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 79.

35. *Id.*

36. *Id.*

37. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) (May 28, 2010).

38. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) (July 1, 2011).

39. Wong Ho Wing v. Peru, Admissibility Report, Report No. 151/10, Inter-Am. Comm'n H.R., Case No. 12.794, ¶ 1 (Nov. 1, 2010).

40. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 80.

Wing.⁴¹

May 24, 2011: Mr. Wing's third habeas corpus appeal is deemed admissible.⁴² The Constitutional Court rules that China has not made sufficient "diplomatic assurances" that it will abstain from imposing the death penalty.⁴³ Its decision is based, in part, on the United Nations' findings that China "has not demonstrated that it guarantees the real protection of the right to life, because it allows extrajudicial, summary or arbitrary executions. . . the death penalty is not imposed objectively, but is influenced by public opinion."⁴⁴ The Court also states that China's communication regarding the death penalty annulment was not made officially through the proper diplomatic process and it is unclear whether the amendment is retroactively applicable.⁴⁵ The court denies Mr. Wing's extradition.⁴⁶

October 10, 2011: The Court lifts all prior provisional measures, stating that the situation regarding Mr. Wing's life and integrity are no longer subject to irreparable damage.⁴⁷

November 16, 2011: A fourth application for habeas corpus is filed against the Ministry of Justice and the Criminal Court and is rendered inadmissible on May 30, 2012.⁴⁸

41. *Id.*

42. *Id.* ¶ 79.

43. *Id.* ¶ 81. In an unrelated extradition request made to the United States in 2003, China gave "sufficient assurances" that it would undertake a comprehensive and "lengthy review" of a suspect's charges before deciding to impose the death penalty. The suspect was extradited and executed one month later. Numerous similar incidents have given support to the widely-held inference that Chinese assurances about abstaining from capital punishment should not be trusted. AMNESTY INTERNATIONAL CHARITY LIMITED, <https://www.amnesty.org/en/documents/amr46/003/2010/en/> (last visited Oct. 6, 2016).

44. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 81. In 2008 alone, China imposed more death sentences than several times that of the rest of the world combined, approximately 7,003. Although the exact number is considered "state secret" it is estimated that 5,000 of those sentences resulted in executions. Cornell Center on the Death Penalty Worldwide, CORNELL LAW SCHOOL, <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=China#a6-2> (last visited Oct. 6, 2016).

45. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 82.

46. *Id.* ¶ 83.

47. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), ¶ 10, "Decides," ¶ 1. (Oct. 10, 2011).

48. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 108.

December 22, 2011: China provides clarification regarding the retroactivity of the annulment of the death penalty.⁴⁹ It explains that the amendment requires application of the lesser punishment to cases sentenced prior to the amendment.⁵⁰ Since the death penalty, in every instance, would be a greater punishment, China assures that the death penalty will not be imposed on Mr. Wing.⁵¹

March 13, 2012: A fifth habeas corpus petition is filed, but is inadmissible since the hearing the petition seeks to vacate is annulled.⁵²

April 27, 2012: The Commission again requests provisional measures, arguing that the State is undermining the State Constitutional Court's ruling denying extradition.⁵³

June 26, 2012: The Court grants provisional measures ordering the State to refrain from extraditing Mr. Wing until December 14, 2012.⁵⁴ The Court makes these measures permanent and extends them on multiple occasions until August 2013.⁵⁵

April 26, 2013: A sixth habeas corpus application is filed demanding Mr. Wing's release.⁵⁶

July 18, 2013: The Commission adopts Merits Report No. 78/13, making several recommendations to the State, after finding multiple violations of the American Convention.⁵⁷

October 30, 2013: The Commission submits the case to the Court, after the State failed to adopt its recommendations.⁵⁸

49. *Id.* ¶ 87.

50. *Id.*

51. *Id.*

52. *Id.* ¶ 88.

53. *Wong Ho Wing v. Peru*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), ¶ 10 (Apr. 27, 2012).

54. *Wong Ho Wing v. Peru*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Decides," ¶ 1 (June 26, 2012).

55. *Wong Ho Wing v. Peru*, Provisional Measures, Order of the President, Inter-Am. Ct. H.R. (ser. E), "Decides," ¶ 1 (Dec. 6, 2012); *Wong Ho Wing v. Peru*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Decides," ¶ 1 (Aug. 22, 2013).

56. *Wong Ho Wing v. Peru*, Preliminary Objection, Merits, Reparations and Costs, ¶ 109.

57. *Wong Ho Wing v. Peru*, Report on Merits, ¶¶ 314, 315 (1)–(4).

58. *See generally* *Wong Ho Wing v. Peru*, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.794 (Oct. 30, 2013).

March 3, 2014: After provisional measures are again reinstated in January 2014, Mr. Wing's representatives ask the Court to expand the provisional measures and release Mr. Wing from custody pending its decision.⁵⁹ The Court denies extending the provisional measures past preventing extradition.⁶⁰

March 10, 2014: The Criminal Court criticizes the "unreasonable" length of time Mr. Wing has remained in detention following his provisional arrest in November 2008.⁶¹ Finding that it is contrary to the American Convention, the Court considers Mr. Wing's excessive deprivation of liberty and orders him to house arrest under his brother's supervision.⁶²

B. Other Relevant Facts

The State's extradition process involves participation by juridical and political authorities, namely, the State Supreme Court and the Executive Branch.⁶³ In the present case, the State Supreme Court finds that China's request for extradition is admissible; however, its opinion is only advisory.⁶⁴ By contrast, the State's Constitutional Court declares the extradition request inadmissible, and its decision prohibiting the Executive Branch from extraditing Mr. Wing is binding.⁶⁵ In theory, the Constitutional Court's decision would render Mr. Wing's continued deprivation of liberty invalid.⁶⁶ Nonetheless, Mr. Wing remains in State custody for an additional five years after the Constitutional Court denies extradition.⁶⁷ The State argues that such delay is justifiable because it maintains

59. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Decides to," ¶ 1 (Jan. 29, 2014). 006; Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), ¶ 7 (Mar. 31, 2014).

60. *Id.* ¶ 15, "Decides to," ¶¶ 1-2.

61. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 112.

62. *Id.* ¶¶ 112-13. Article 7(5) of the American Convention states, "Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial." American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 143, available at <http://www.cidh.org/Basicos/English/Basic3.American%20Convention.htm>.

63. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 115.

64. *Id.*

65. *Id.* ¶ 117.

66. *Id.* ¶ 118.

67. The decision was rendered in May 2011 but Mr. Wing remained in custody, either by imprisonment or house arrest, until July 2016. Brenda Goh, *China Extradites First Fugitive from Latin America*, REUTERS, (Jul. 17, 2016), <http://www.reuters.com/article/us-china-corruption-idUSKCN0ZY00Z> (last visited Oct. 6, 2016).

reservations as to the scope, interpretation, and conclusions of the Constitutional Court's ruling and needs to ensure that it will not be held responsible for any violation of Mr. Wing's human rights if he is extradited.⁶⁸ A more cynical explanation for the delay, advanced by Mr. Wing's legal representative, Mr. Luis Lamas Puccio, includes a reference to the Peruvian-proposed Free Trade Agreement of 2009 between China and the State, emphasizing the State's underlying motive of establishing amicable relations with its second-most important trade partner.⁶⁹ Nevertheless, a balancing is required between the obligation of the State to honor its extradition treaty with China against its obligation to uphold the procedural and human rights, particularly the rights to life, liberty, and personal integrity, of Mr. Wing.⁷⁰

II. PROCEDURAL HISTORY

A. Before the Commission

March 27, 2009: The Inter-American Commission on Human Rights ("Commission") receives a petition filed on Mr. Wing's behalf.⁷¹

May 28, 2010: The Commission requests provisional measures for the first time to preclude the State from extraditing Mr. Wing until the Commission rules on the petition.⁷² The Commission relies on Article 63(2) of the American Convention, which provides that in cases of extreme gravity and urgency and when necessary to avoid irreparable damage to the victim, the Court may intervene and order provisional measures.⁷³ The Court grants the request barring the State from extraditing Mr. Wing until December 17, 2010.⁷⁴

November 1, 2010: The Commission adopts Admissibility Report No. 151/10.⁷⁵

68. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶¶ 118-20.

69. Angel Páez, *PERU: Extradition of Chinese Citizen at Risk of Death Penalty Halted*, GLOBAL ISSUES, (May 31, 2010), <http://www.globalissues.org/news/2010/05/31/5821> (last visited Oct. 6, 2016). China-Peru Free Trade Agreement, WIKIPEDIA, https://en.wikipedia.org/wiki/China%E2%80%93Peru_Free_Trade_Agreement (last visited Oct. 6, 2016).

70. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 119.

71. *Id.* ¶ 2(a).

72. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) (May 28, 2010).

73. *Id.* ¶ 10(e), "Decides," ¶ 1.

74. *Id.* "Decides," ¶ 1.

75. Wong Ho Wing v. Peru, Admissibility Report, Report No. 151/10, Inter-Am. Comm'n

November 26, 2010: The Court orders the provisional measures granted on May 28, 2010 to remain in place until after the public hearing scheduled for March 31, 2011.⁷⁶

March 4, 2011: The Court once again grants the Commission's request for provisional measures.⁷⁷ The State is ordered to abstain from extraditing Mr. Wing until July 15, 2011.⁷⁸

July 1, 2011: For the fourth time, the Commission petitions for provisional measures to suppress Mr. Wing's extradition.⁷⁹ The Court orders the State to refrain from extraditing Mr. Wing until December 15, 2011.⁸⁰

October 10, 2011: The Court lifts all provisional measures granted after May 28, 2010, explaining, "the requirements of extreme gravity, urgency and need to prevent irreparable damage to the integrity and life of the beneficiary have ceased to exist."⁸¹

April 27, 2012: The Commission requests provisional measures, arguing that the State is undermining the State Constitutional Court's ruling denying extradition by challenging the ruling on the basis of "new facts," namely the amendment to the Chinese Criminal Code.⁸² Prior to issuing a decision, the Court orders the State, among other things, to confirm before May 25, 2012, whether the Constitutional Court's ruling is binding.⁸³

June 26, 2012: The Court grants provisional measures ordering the State to refrain from extraditing Mr. Wing until December 14, 2012.⁸⁴ Since the Commission is finalizing the merits stage of the case, the Court orders

H.R., Case No. 12.794, ¶ 1 (Nov. 1, 2010).

76. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Decides to," ¶¶ 2-3 (Nov. 26, 2010).

77. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Decides," ¶ 1 (Mar. 4, 2011).

78. *Id.* "Decides," ¶ 1.

79. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) (Jul. 1, 2011).

80. *Id.* "Decides," ¶ 1.

81. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), ¶ 10, "Decides," ¶ 1. (Oct. 10, 2011).

82. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), ¶ 10 (Apr. 27, 2012).

83. *Id.* "Considering that," ¶ 7, "Decides," ¶ 1.

84. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Decides," ¶ 1 (June 26, 2012).

temporary provisional measures until the Commission rules on the matter.⁸⁵

December 6, 2012: The acting President of the Court grants the Commission's request for provisional measures and orders the State to deny extradition until March 1, 2013 so the Commission may issue its ruling.⁸⁶

February 13, 2013: Once more, the Court extends the provisional measures to ensure that Mr. Wing is not extradited until the Commission rules on the case.⁸⁷ The Court also orders the State to submit observations and the Commission to present a report by April 1, 2013.⁸⁸

May 22, 2013: The Court orders provisional measures denying Mr. Wing's extradition until the Commission has issued a ruling.⁸⁹ The Court requires the Commission to provide its report by July 31, 2013 and any observations by the State within four weeks.⁹⁰

July 18, 2013: The Commission adopts Merits Report No. 78/13, making several recommendations to the State, including: that the State conclude the extradition process as soon as possible, review Mr. Wing's provisional arrest, make full reparations consistent with the Report, and order measures of non-repetition.⁹¹ The Commission concludes that the State has violated Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 7 (Right to Personal Liberty), Article 8 (Right to a Fair Trial), and Article 25 (Right to Judicial Protection) of the American Convention.⁹²

August 22, 2013: The Court requires the State to withhold Mr. Wing's extradition until March 31, 2014 and orders the Commission to inform the Court as to the State's compliance with the recommendations.⁹³ The

85. *Id.* ¶ 42.

86. Wong Ho Wing v. Peru, Provisional Measures, Order of the President, Inter-Am. Ct. H.R. (ser. E), "Decides," ¶ 1 (Dec. 6, 2012).

87. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Decides," ¶ 1 (Feb. 13, 2013).

88. *Id.* "Decides," ¶¶ 2-3.

89. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Decides," ¶ 1 (May 22, 2013).

90. *Id.* "Decides," ¶ 3.

91. Wong Ho Wing v. Peru, Merits Report, Inter-Am. Comm'n H.R., Case No. 12.794, ¶ 315 (1)-(4) (Jul. 18, 2013).

92. *Id.* ¶ 314.

93. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Decides," ¶ 1 (Aug. 22, 2013).

Court orders the Commission to present a report by October 15, 2013.⁹⁴

B. Before the Court

October 30, 2013: The Commission submits the case to the Court, after the State failed to adopt its recommendations.⁹⁵

January 29, 2014: The Court orders provisional measures requiring the State to abstain from extraditing Mr. Wing until “the Court resolves this case in a definite manner. . .”⁹⁶ Further, the Court asks the State to keep it informed as to Mr. Wing’s continued deprivation of liberty and requires the parties to submit their observations, if any.⁹⁷

March 3, 2014: Mr. Wing’s representatives ask the Court to expand the provisional measures and release Mr. Wing from custody pending its decision.⁹⁸ The Court denies extending the provisional measures on the basis that it cannot release Mr. Wing without issuing a ruling on the merits of the case, nonetheless, the State must continue to refrain from extraditing Mr. Wing.⁹⁹

1. Violations Alleged by Commission¹⁰⁰

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 8 (Right to a Fair Trial)

Article 25 (Right to Judicial Protection)

all in relation to

Article 1(1) (Obligation of Non-Discrimination) of the American Convention.

94. *Id.* “Decides,” ¶ 2.

95. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 297, ¶ 3 (June 30, 2015).

96. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), “Decides to,” ¶ 1 (Jan. 29, 2014).

97. *Id.* “Decides to,” ¶¶ 2-4.

98. Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), ¶ 7 (Mar. 31, 2014).

99. *Id.* ¶ 15, “Decides to,” ¶¶ 1-2.

100. Wong Ho Wing v. Peru, Merits Report, Inter-Am. Comm’n H.R., Case No. 12.794, ¶ 314 (July 18, 2013).

2. Violations Alleged by Representatives of the Victim¹⁰¹

Same Violations Alleged by Commission, plus:

Article 24 (Right to Equal Protection) of the American Convention.

May 6, 2014: The State files a timely preliminary objection, contesting all of the allegations and asserting that Mr. Wing failed to exhaust all domestic legal remedies.¹⁰² The Court disagrees, citing the numerous proceedings over the course of six years and Mr. Wing's multiple habeas corpus petitions.¹⁰³ It also declares that even if these remedies had not been exhausted, the American Convention's exhaustion exception applies, because through its unreasonable delay, the State had not ensured due process of the law.¹⁰⁴ Therefore, the Court rejects the State's preliminary objection.¹⁰⁵

September 18 & 23, 2014: An *amicus curiae* brief is filed by María Isabel Mosquera Ayala.¹⁰⁶

III. MERITS

*B. Composition of the Court*¹⁰⁷

Humberto Antonio Sierra Porto, President
 Roberto F. Caldas, Vice President
 Manuel E. Ventura Robles, Judge
 Alberto Pérez Pérez, Judge
 Eduardo Vio Grossi, Judge, and
 Eduardo Ferrer Mac-Gregor Poisot, Judge;

Pablo Saavedra Alessandri, Secretary
 Emilia Segares Rodríguez, Deputy Secretary

101. Wong Ho Wing v. Peru, Admissibility Report, ¶ 22. 020. Mr. Luis Lamas Puccio served as representative of Mr. Wing. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 2, n.1.

102. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 8.

103. *Id.* ¶ 24.

104. *Id.* ¶ 20.

105. *Id.* ¶ 30.

106. *Id.* ¶ 11.

107. Judge Diego García-Sayán, a Peruvian national, did not take part in the hearing or deliberation of the judgment pursuant to Article 19(1) of the Court's Rule of Procedure, which prohibits a judge who is a national of the respondent state from participating in the case. *Id.* n.*.

B. Decision on the Merits

June 30, 2015: The Court issues its Judgment on Merits, Reparations and Costs.¹⁰⁸

The Court found by five votes to one:

To reject the State's preliminary objection regarding Mr. Wing's failure to exhaust all domestic legal remedies.¹⁰⁹

Although the Court conceded that Mr. Wing had not exhausted all available legal remedies prior to filing the petition with the Commission, it found that all remedies had been exhausted by the time the Commission issued its Admissibility Report.¹¹⁰ The Court reasoned that the rule of exhaustion of remedies should be guided by the "principle of procedural economy," which allows a petition to be lodged before satisfying the exhaustion requirement, so long as the remedies have been exhausted by the time it is deemed admissible.¹¹¹

The Court found by five votes to one that the State had violated:

Article 7(1) (Right to Personal Liberty and Security), Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time), and Article 7(6) (Right to Have Recourse Before a Competent Court) all in relation to Article 1(1) of the American Convention, to the detriment of Wong Ho Wing,¹¹² because:

Mr. Wing's excessive deprivation of liberty was arbitrary.¹¹³ The Court ruled that the State failed to assess whether Mr. Wing presented a "procedural risk," or in other words, whether he would interfere with judicial proceedings or evade prosecution if released.¹¹⁴ The Court explained that the State knew Mr. Wing owned and operated a hotel in the State and

108. See Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 297 (Jun. 30, 2015).

109. *Id.* "Decides," ¶ 1.

110. *Id.* ¶ 25.

111. *Id.* ¶ 28.

112. *Id.* "Declares," ¶ 4.

113. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 253.

114. *Id.*

resided there, thus minimizing Mr. Wing's likelihood of avoiding extradition by fleeing or hiding.¹¹⁵ The Court reasoned that if the State had conducted the necessary fact-specific risk assessment, it would have found effective alternatives less harmful than Mr. Wing's prolonged detention.¹¹⁶ Instead, Mr. Wing remained imprisoned for over five years before an order for house arrest was granted.¹¹⁷ The Court declared that the State's failure to perform a detailed examination of Mr. Wing's procedural risk made it difficult for the domestic courts to determine whether his continued confinement was justified.¹¹⁸ Therefore, the State violated the Convention's prohibition of arbitrary imprisonment under Article 7(3).¹¹⁹

The Court also found the State to be in violation of Mr. Wing's right to stand trial within reasonable time under Article 7(5).¹²⁰ The Court noted that the State does not impose express time limits on provisional detentions in extradition processes.¹²¹ The Court emphatically declared that when an extradition is not concluded within reasonable time, the State may not rely on the absence of time limits to excuse an indefinite detention.¹²² In addition to the non-existent time limits, the Court cited errors by judicial authorities and the State's general failure to perform its due diligence as causes for Mr. Wing's continued deprivation of liberty.¹²³

The Court also found that the State had violated Mr. Wing's right to legal relief before a competent court under Article 7(6).¹²⁴ The Court stated that Mr. Wing's request for release filed in October 2011 and his fourth habeas corpus petition of November 2011 were not thoroughly reviewed by the State Criminal Court.¹²⁵ The Court reasoned that a "competent authority's analysis of a judicial remedy contesting the lawfulness of deprivation of liberty cannot be reduced to a mere formality; rather, the reasons cited by the applicant must be examined and referred to expressly."¹²⁶ The Court found that the domestic court failed to address two

115. *Id.* ¶ 252.

116. *Id.* ¶ 253.

117. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 271.

118. *Id.* ¶ 253.

119. *Id.*

120. *Id.* ¶ 275.

121. *Id.* ¶ 255.

122. *Id.* ¶¶ 270, 273.

123. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶¶ 271-72.

124. *Id.* "Declares," ¶ 4.

125. *Id.* ¶¶ 287-88.

126. *Id.* ¶ 288.

meritorious assertions presented in both filings: that the Constitutional Court had previously found Mr. Wing's detention to be unnecessary, and that his detention exceeded a reasonable time.¹²⁷ Therefore, the State did not uphold Mr. Wing's right to recourse before a competent court.¹²⁸

The Court found by three votes in favor to three votes against, plus the deciding vote of the President that the State had violated:

Article 8(1) (Right to a Hearing within Reasonable Time by a Competent and Independent Tribunal) in relation to Article 1(1) of the American Convention, to the detriment of Wong Ho Wing,¹²⁹ because:

The State caused an unreasonable delay in the extradition process.¹³⁰ The Court considered four factors in determining whether the State had violated Mr. Wing's due process rights.¹³¹ First, it considered the complexity of the case and ruled that it was indeed multifaceted due to the extradition treaty, distinct legal systems, language barriers, and lack of legal precedent.¹³² Secondly, the Court considered the prior domestic legal proceedings and stated that Mr. Wing's six habeas corpus petitions, numerous appeals, and other available remedies had contributed to the prolonging of his extradition; nevertheless, none required a stay in the State's legal processes.¹³³ Third, the Court considered the actions of State authorities and determined that the State created some delay as a result of its negligence.¹³⁴ The State did not promptly request a translation of Article 151 of the Chinese Criminal Code and failed to comply with domestic court deadlines.¹³⁵ Lastly, the Court analyzed how the legal consequences of the delay affected Mr. Wing.¹³⁶ The Court reminded the State that Mr. Wing was deprived of his liberty for over six years and that it had not been considerate of any adverse impact to his personal rights.¹³⁷ Thus, the Court found that the State's general lack of due diligence violated Mr. Wing's rights because the extradition process had exceeded a reasonable

127. *Id.* ¶ 289.

128. *Id.* ¶ 290.

129. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, "Declares," ¶ 3.

130. *Id.* ¶ 223.

131. *Id.* ¶ 209.

132. *Id.* ¶ 210.

133. *Id.* ¶ 211.

134. *Id.* ¶¶ 215, 271.

135. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶¶ 215-16, 218.

136. *Id.* ¶ 221.

137. *Id.* ¶ 222.

*amount of time.*¹³⁸

The Court found by five votes to one that State had not violated:

Article 4 (Right to Life) and Article 5 (Right to Humane Treatment) in relation to Article 1(1) of the American Convention, to the detriment of Wong Ho Wing,¹³⁹ because:

*Since China could no longer impose the death penalty on Mr. Wing and there was no future risk of torture or degrading treatment by Chinese authorities, the State would not be responsible for any violation of Mr. Wing's rights to life and personal integrity upon extradition.*¹⁴⁰ *The Court found that China had made sufficient assurances beyond those initially provided to the State.*¹⁴¹ *China agreed to advise the State of Mr. Wing's place of detention, allow the State to contact Mr. Wing, provide him with adequate legal and medical care, and authorize State authorities to monitor Chinese proceedings and compliance.*¹⁴² *Relying on these additional guarantees, the Court found that the State would not violate Article 4 (Right to Life) or Article 5 (Right to Humane Treatment) by extraditing Mr. Wing to China.*¹⁴³

Article 5 (Right to Humane Treatment) in relation to Article 1(1) of the American Convention, to the detriment of Wong Ho Wing,¹⁴⁴ because:

*Personal integrity is adversely affected when liberty is deprived.*¹⁴⁵ *The Court reasoned that Mr. Wing's deprivation of liberty, while unreasonably excessive and arbitrary, was not unlawful.*¹⁴⁶ *Since any harm to Mr. Wing's personal integrity was a "collateral effect" of the lawful detention, the State did not violate Mr. Wing's right to personal integrity under Article 5 (Right to Humane Treatment).*¹⁴⁷

138. *Id.* ¶ 223.

139. *Id.* "Declares," ¶ 2.

140. *Id.*

141. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 183.

142. *Id.*

143. *Id.*

144. *Id.* "Declares," ¶ 7.

145. *Id.* ¶ 294.

146. *Id.* ¶¶ 253, 262.

147. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 295.

Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law) in relation to Article 1(1) of the American Convention, to the detriment of Wong Ho Wing,¹⁴⁸ because:

Mr. Wing's detention was lawful.¹⁴⁹ China requested his arrest and extradition pursuant to a valid warrant and a bilateral extradition treaty.¹⁵⁰ Although the Court declared Mr. Wing's detention to be arbitrary, it found that the State did not unlawfully deprive Mr. Wing of his liberty.¹⁵¹

Article 8(1) (Right to a Hearing within Reasonable Time by a Competent and Independent Tribunal) in relation to Article 1(1) of the American Convention, to the detriment of Wong Ho Wing,¹⁵² because:

The Court explained that the right to be heard in court guarantees participation in judicial proceedings, not in political deliberations.¹⁵³ It declared that while Mr. Wing had access to the courts and regularly participated in his hearings, he was not entitled to engage "at the decision-making stage before the Executive Branch."¹⁵⁴ Therefore, the State did not violate Mr. Wing's right to be heard before State courts since he was only denied access to participate in decisions within jurisdiction of the Executive Branch.¹⁵⁵

The Court, by four votes to two, did not rule on:

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention,¹⁵⁶ because:

The Court stated that concerns over the unreasonably prolonged extradition process and lack of express time limits were previously raised in Mr. Wing's previous domestic court filings; nonetheless, he failed to demonstrate how the absence of pre-established time limits violated the State's obligation to give domestic legal effect to his rights under Article

148. *Id.* "Declares," ¶ 6.

149. *Id.* ¶ 262.

150. *Id.* ¶¶ 56, 62.

151. *Id.* ¶¶ 262-63.

152. *Id.* "Declares," ¶ 5.

153. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶¶ 229-30.

154. *Id.* ¶¶ 230-31.

155. *Id.* ¶ 231.

156. *Id.* "Declares," ¶ 9.

2.¹⁵⁷

The Court, by five votes to one, did not rule on:

Article 25 (Right to Judicial Protection) of the American Convention,¹⁵⁸ because:

The Court declared that it was unnecessary to rule on the State's failure to uphold the Constitutional Court's decision prohibiting the Executive Branch from granting Mr. Wing's extradition.¹⁵⁹ The Court noted that while the decision could not be overruled because of its binding nature, it had been rendered before China provided sufficient assurances that it would protect Mr. Wing's personal rights and when it was unclear how the abolishment of the death penalty for smuggling would apply.¹⁶⁰ The Court reiterated that State decisions, even if political, are subject to review by constitutional procedures and may be challenged, thereby assuring Mr. Wing's continued right to judicial protection.¹⁶¹

C. Dissenting and Concurring Opinions

1. Partially Dissenting Opinion of Judge Alberto Pérez Pérez

In his dissent, Judge Pérez Pérez disagreed with the majority's decision regarding the State's violation of Article 8(1) (Right to a Hearing within Reasonable Time by a Competent and Independent Tribunal), Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), and Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention, as well as the Court's ruling on the State's obligation to review Mr. Wing's deprivation of liberty.¹⁶²

Judge Pérez Pérez argued that the State did not violate Mr. Wing's right to a resolution within reasonable time under Article 8(1) because the numerous provisional measures granted by the Court prevented the State from proceeding with the extradition process.¹⁶³ Judge Pérez Pérez

157. *Id.* ¶ 256.

158. *Id.* "Declares," ¶ 8.

159. *Id.* ¶ 206.

160. *Id.* ¶ 204.

161. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, ¶ 205.

162. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Partially Dissenting Opinion of Judge Alberto Pérez Pérez. Inter-Am. Ct. H.R. (ser. C) No. 297, ¶ 1 (Jun. 30, 2015).

163. *Id.* ¶ 3.

explained that the State had no option but to stay Mr. Wing's extradition while the Commission and Court finalized their reviews and issued a judgment.¹⁶⁴ He also criticized the Court's analysis because it did not consider delays resulting from China's failure to provide a proper translation of the criminal code and the lengthy inquiry as to whether the death penalty was applicable to Mr. Wing's offenses.¹⁶⁵

Furthermore, Judge Pérez Pérez disagreed with the Court's finding that the State did not deprive Mr. Wing of his liberty.¹⁶⁶ He pointed out that a person cannot be detained unless the State Constitution or other governing law contains a previously established provision outlining the conditions for the custodial detention.¹⁶⁷ Judge Pérez Pérez explained that the State Constitution, nor the State Code of Criminal Procedure, nor the extradition treaty, contained such provision.¹⁶⁸ He opined that since there was no legal or constitutional justification for Mr. Wing's detention, the State necessarily also failed to uphold its responsibility to adopt domestic legal effect by not establishing the conditions of Mr. Wing's detention, imposing time limits, or considering less harmful measures.¹⁶⁹

Finally, Judge Pérez Pérez disagreed with the majority's ruling that the State must immediately "review" Mr. Wing's deprivation of liberty.¹⁷⁰ Instead, he argued, the State must finalize its decision to grant or deny the extradition request without further deferment.¹⁷¹

2. Separate Dissenting Opinion of Judge Eduardo Vio Grossi

Judge Vio Grossi strongly disagreed with the Court's rejection of the State's preliminary objection concerning exhaustion of remedies.¹⁷² He stated that the rule of prior exhaustion must be satisfied before a petition is filed with the Commission, not when the Admissibility Report is issued.¹⁷³ Judge Vio Grossi recounted that Mr. Wing's habeas corpus proceedings were still pending in State court when the petition was lodged

164. *Id.*

165. *Id.* ¶ 4.

166. *Id.* ¶ 5.

167. *Id.*

168. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Partially Dissenting Opinion of Judge Alberto Pérez Pérez, ¶ 5.

169. *Id.* ¶¶ 5-6.

170. *Id.* ¶ 1.

171. *Id.* ¶ 8.

172. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Separate Dissenting Opinion of Judge Eduardo Vio Grossi, Inter-Am. Ct. H.R. (ser. C) No. 297, p. 1 at "Introduction" (Jun. 30, 2015).

173. *Id.*

with the Commission, therefore, it should have been deemed inadmissible.¹⁷⁴ The Judge concluded that upholding the rule of prior exhaustion of remedies at the time of the petition's lodging rather than at the time of admissibility "guarantees the principles of legal certainty, procedural balance, and complementarity that sustain the [Inter-American Human Rights Court] system."¹⁷⁵

IV. REPARATIONS

The Court ruled by five votes to one that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Judgment as Reparation

The Court declared that the Judgment itself is a form of reparation.¹⁷⁶

2. Decide on the Extradition

Since the State's lack of due diligence caused an unreasonable delay in Mr. Wing's extradition proceedings, it must immediately decide whether to grant or deny China's extradition request.¹⁷⁷

3. Vacate Provisional Measures

The reparation measures of the Judgment must substitute for the provisional measures previously granted by the Court.¹⁷⁸

4. Publish the Judgment

The Court's official summary of the Judgment must be published in the official gazette and in a national newspaper of general circulation.¹⁷⁹ It must also remain published on the State's official website for no less

174. *Id.* p. 13.

175. *Id.* p. 18.

176. *Wong Ho Wing v. Peru*, Preliminary Objection, Merits, Reparations and Costs, "And Establishes," ¶ 10.

177. *Id.* "And Establishes," ¶¶ 10, 302.

178. *Id.* "And Establishes," ¶ 12.

179. *Id.* "And Establishes," ¶¶ 14, 307.

than one year.¹⁸⁰

The Court ruled by four votes to two that the State had the following obligations:

5. Review Mr. Wing's Deprivation of Liberty

The Court ruled that the State must promptly conduct a review of Mr. Wing's continued and arbitrary deprivation of liberty.¹⁸¹ The Court ordered the State to consider the length of time Mr. Wing remained in detention, the unjustified delays in his proceedings, his present health concerns, and the Court's order for an immediate and final decision on Mr. Wing's extradition.¹⁸²

B. Compensation

The Court awarded the following amounts:

1. Pecuniary and Non-Pecuniary Damages

The Court acknowledged that Mr. Wing had suffered loss of income as a result of his prolonged detention,¹⁸³ and awarded \$30,000 in pecuniary damages.¹⁸⁴ The Court's pecuniary damages award included damages, in equity, for non-pecuniary damages, including psychological and emotional distress suffered by Mr. Wing during his detention.¹⁸⁵

2. Costs and Expenses

The Court awarded \$28,000 to Mr. Wing's legal representative, Mr. Puccio, for expenditures associated with his representation.¹⁸⁶ The Court announced that it may award compensation for expenses incurred in future monitoring compliance proceedings.¹⁸⁷

180. *Id.* ¶ 307.

181. *Id.* "And Establishes," ¶ 13.

182. *Wong Ho Wing v. Peru*, Preliminary Objection, Merits, Reparations and Costs, ¶ 305.

183. *Id.* ¶ 315.

184. *Id.* ¶ 317.

185. *Id.* ¶¶ 316-17.

186. *Id.* ¶ 322.

187. *Id.*

3. Total Compensation (including Costs and Expenses ordered)

\$58,000

C. Deadlines

The State must decide whether or not to extradite Mr. Wing as soon as possible.¹⁸⁸

The State must review Mr. Wing's deprivation of liberty immediately.¹⁸⁹

The State must publish the official summary of the Court's judgment within six months.¹⁹⁰

The State must make payments for the pecuniary and non-pecuniary damages and legal fees within one year from the date of the Judgment.¹⁹¹

The State must provide the Court with a report detailing the actions undertaken to satisfy the measures ordered within one year.¹⁹²

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

September 16, 2015: The State decided to extradite Mr. Wing to China.¹⁹³

September 22 & 30, 2015: Mr. Wing filed two post-judgment habeas corpus petitions resulting in a stay of his extradition.¹⁹⁴

June 22, 2016: The stay was lifted and the Court declared that the State had fully satisfied the measure of reparation which ordered a final decision regarding Mr. Wing's extradition.¹⁹⁵ The Court also announced that it would continue to monitor the State's compliance with all other

188. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, "And Establishes," ¶ 11.

189. *Id.* "And Establishes," ¶ 13.

190. *Id.* ¶ 307.

191. *Id.* ¶ 323.

192. *Id.* "And Establishes," ¶ 16.

193. Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Monitoring Compliance with Judgment. Inter-Am. Ct. H.R. (ser. C) No. 297, ¶ 11 (Jun. 22, 2016) (Available only in Spanish).

194. *Id.* ¶ 14 (i)-(iii).

195. *Id.* "Resuelve," ¶ 1.

measures of the Judgment.¹⁹⁶

July 17, 2016: Mr. Wing arrived in China after being in State custody for nearly eight years.¹⁹⁷

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 297 \(June 30, 2015\).](#)

2. Decisions on Merits, Reparations and Costs

[Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 297 \(June 30, 2015\).](#)

[Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Partially Dissenting Opinion of Judge Alberto Pérez Pérez, Inter-Am. Ct. H.R. \(ser. C\) No. 297 \(June 30, 2015\).](#)

[Wong Ho Wing v. Peru, Preliminary Objection, Merits, Reparations and Costs, Judgment, Separate Dissenting Opinion of Judge Eduardo Vio Grossi, Inter-Am. Ct. H.R. \(ser. C\) No. 297 \(June 30, 2015\).](#)

3. Provisional Measures

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Mar. 24, 2010\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(May 28, 2010\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Concurring Opinion of Judge Eduardo Vio Grossi, Inter-Am. Ct. H.R. \(ser. E\) \(May 28, 2010\).](#)

196. *Id.* “Resuelve,” ¶ 3.

197. Rosario Aronés, *Empresario Chino Fue Extraditado Para Ser Investigado En Su País*, EL POPULAR, (Jul. 26, 2016), <http://www.elpopular.pe/actualidad-y-policiales/2016-07-26-empre-sario-chino-fue-extraditado-para-ser-investigado-en-su-pais> (last visited Nov. 1, 2016).

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Nov. 26, 2010\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Mar. 4, 2011\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(July 1, 2011\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Oct. 10, 2011\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Apr. 27, 2012\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) N \(June 26, 2012\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the President, Inter-Am. Ct. H.R. \(ser. E\) \(Dec. 6, 2012\).](#)

[Wong Ho Wing v. Peru, Provisional Measure, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Feb. 13, 2013\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(May 22, 2013\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the President, Inter-Am. Ct. H.R. \(ser. E\) \(Aug. 22, 2013\).](#)

[Wong Ho Wing v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Jan. 29, 2014\).](#)

[Wong Ho Wing v. Peru, Provisional Measures Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Mar. 31, 2014\).](#)

4. Compliance Monitoring

[Wong Ho Wing v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(June 22, 2016\).](#)

5. Review and Interpretation of Judgment

[Wong Ho Wing v. Peru. Preliminary Objection, Merits, Reparations and Costs, Judgment, Interpretation of Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 313 \(Jun. 22, 2016\).](#)

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Wong Ho Wing v. Peru, Admissibility Report, Report No. 151/10, Inter-Am. Comm'n H.R., Case No. 12.794 \(Nov. 1, 2010\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Wong Ho Wing v. Peru, Merits Report, Inter-Am. Comm'n H.R., Case No. 12.794 \(July 18, 2013\).](#)

5. Application to the Court

[Wong Ho Wing v. Peru, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.794 \(Oct. 30, 2013\).](#)

VIII. BIBLIOGRAPHY

[Angel Páez, PERU: Extradition of Chinese Citizen at Risk of Death Penalty Halted, Global Issues, \(May 31, 2010\), <http://www.globalissues.org/news/2010/05/31/5821> \(last visited Oct. 6, 2016\).](#)

[Brenda Goh, China Extradites First Fugitive from Latin America, Reuters, \(Jul. 17, 2016\), <http://www.reuters.com/article/us-china-corruption-idUSKCN0ZY00Z> \(last visited Oct. 6, 2016\).](#)

[Cornell Center on the Death Penalty Worldwide, Cornell Law School,](#)

<http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=China#a6-2> (last visited Oct. 6, 2016).

[Rosario Aronés, *Empresario Chino Fue Extraditado Para Ser Investigado En Su Pais*, EL POPULAR, \(Jul. 26, 2016\), http://www.elpopular.pe/actualidad-y-policiales/2016-07-26-empresario-chino-fue-extraditado-para-ser-investigado-en-su-pais](http://www.elpopular.pe/actualidad-y-policiales/2016-07-26-empresario-chino-fue-extraditado-para-ser-investigado-en-su-pais) (last visited Nov. 1, 2016).